

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application.

Claims 5-8, 12, 14, 15 and 19-24 are pending in the present application. Claims 5 and 20 are independent. Claims 5-8, 12 and 14 are amended. Claims 19-24 are added. Claims 1-4, 9-11, 13 and 16-18 are canceled without prejudice to or disclaimer of the subject matter contained therein.

Reconsideration of this application, as amended, is respectfully requested.

Claim Rejections Under 35 USC §102 and §103

Claims 5, 6, 8, 9, 11, 14, 16 and 18 are rejected under 35 USC 102(b) as being anticipated by Satoh et al. (U.S. Patent 5,903,531). Claims 1, 3, 4 and 10 are rejected under 35 USC 103(a) as being unpatentable over Mizumoto et al. (U.S. Patent 5,351,226) in view of Satoh et al. Claim 13 is rejected under 35 USC 103(a) as being unpatentable over Mizumoto et al. in view of Satoh et al. and Wachi (U.S. Patent 5,138,595). Claims 15 and 17 are rejected under 35 USC 103(a) as being unpatentable over Satoh et al. in view of Wachi. These rejections, in so far as pertains to the presently pending claims, are respectfully traversed.

While not conceding the appropriateness of any of the rejections, but merely to expedite the prosecution of the instant application, claims 1, 3, 4, 9-11, 13 and 16-18 are canceled by this Amendment. Accordingly, the rejections of these claims are moot. Independent claim 5 is amended to recite a combination of steps in a method for checking the existence of an optical disk using a focus error signal, including "summing the values of the sampled focus error signal, which are less than a first predetermined reference level" and "determining whether the summed value is greater than a predetermined judging level."

Independent claim 20 is added to recite a combination of elements in an apparatus for checking the existence of an optical disk using a focus error signal, including "a microcomputer for determining the existence of the optical disk by summing the values of the sampled focus error signal, which are less than a first predetermined reference level, and determining whether the summed value is greater than a predetermined judging level."

It is respectfully submitted that the combinations of steps and elements set forth in independent claim 5, as amended, and in independent claim 20 are not disclosed or made obvious by the applied prior art of record, including Satoh et al., Mizumoto et al. or Wachi.

Satoh et al. discloses a reproduction device for optical disks in which a focus error signal is inputted to an S-letter level detector 26B through a filter 26A for reducing noise and also to a compensation amplifier 27, as shown in Fig. 3.

The preamplifier 23, shown in Fig. 5 of Satoh et al, moreover, sums an electronic signal of each cell of a photo detector (PD) to detect a focus error.

However, Satoh et al. does not teach or suggest "summing the values of the sampled focus error signal, which are less than a first predetermined reference level" and "determining whether the summed value is greater than a predetermined judging level," as recited in claim 5, as amended. Moreover, Satoh et al. does not teach or suggest "a microcomputer for determining the existence of the optical disk by summing the values of the sampled focus error signal, which are less than a first predetermined reference level, and determining whether the summed value is greater than a predetermined judging level," as recited in claim 20.

Mizumoto et al. discloses a method and apparatus for reproducing information from a recordable optical disk in which a focus error signal FE and a tracking error signal TE are generated from a servo circuit 7, and are fed to a focus actuator and a tracking actuator to constitute a focus servo loop and a tracking servo loop, respectively, as shown in Fig. 5. However, Mizumoto et al. does not teach or suggest the above-cited limitations of claims 5 and 20.

The Office Action relies on Wachi for a teaching of a focus error signal based on the result of comparing a beam strength signal and a reference signal. However, Wachi does not teach or suggest the above-cited limitations of claims 5

and 20, and therefore fails to cure the deficiencies of Satoh et al. and Mizumoto et al. with respect to these claims.

Accordingly, independent claims 5 and 20 and their dependent claims (due to dependency) are patentable over the applied prior art, and reconsideration and withdrawal of the rejections based on these reasons are respectfully requested.

Allowable Subject Matter

Claims 7 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for the early indication of allowable subject matter. However, claims 7 and 12 are not rewritten in independent form at this time because the independent claim from which claims 7 and 12 depend is believed to be allowable.

CONCLUSION

For the foregoing reasons and in view of the above clarifying amendments, Applicants respectfully requests the Examiner to reconsider and withdraw all of the objections and rejections of record, and earnestly solicits an early issuance of a Notice of Allowance.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact Sam

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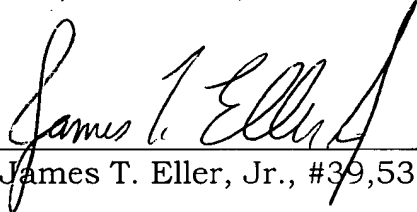
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Bhattacharya (Registration No. 48,107) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
James T. Eller, Jr., #39,538

JTE/SB:mmi
2950-0176P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000